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3                   UNITED STATES DISTRICT COURT  
4                   WESTERN DISTRICT OF WASHINGTON  
5                   AT TACOMA

6 BRITTNEY MATTHEWS-JONES,  
7    Plaintiff,  
8    v.  
9    CAROLYN W. COLVIN, Commissioner of  
10    Social Security,  
11    Defendant.

Case No. 3:12-cv-05322-RJB-KLS

ORDER GRANTING PLAINTIFF'S  
MOTION FOR EAJA ATTORNEY'S  
FEES

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13         This matter is before the Court on plaintiff's filing of a motion for attorney fees pursuant  
14 to 28 U.S.C. § 2412, the Equal Access to Justice Act (the "EAJA"). See ECF #20. Plaintiff seeks  
15 a total of \$7,299.07 in attorney's fees, an amount defendant does not contest. See ECF #23. The  
16 parties, however, disagree as to whom payment of those fees should be made. Plaintiff requests  
17 that the fees be paid directly to plaintiff's attorney, because they have been assigned to plaintiff's  
18 attorney and they are not subject to any offset under the United States Department of Treasury's  
19 Offset Program. See Astrue v. Ratliff, --- U.S. ---, 130 S.Ct. 2521 (2010).

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21         Defendant acknowledges the record demonstrates that plaintiff has validly assigned the  
22 attorney's fees to plaintiff's attorney, but argues the government should be allowed to verify that  
23 plaintiff has no outstanding debts before determining whether it can honor the fee assignment. It  
24 may be as plaintiff asserts that she has no outstanding debts that are subject to the Department of  
25 Treasury's Offset Program. However, without any actual evidence being presented that this is  
26 so, the Court must allow the government to verify that fact before being required to honor the fee  
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1 assignment. Accordingly, the Court hereby orders as follows:

- 2 (1) Plaintiff is granted attorney EAJA attorney's fees in the amount of \$7,299.07.
- 3 (2) Subject to any offset allowed under the Treasury Offset Program, as discussed in  
4     Astrue v. Ratliff, 130 S. Ct. 2521, 560 U.S. \_\_\_\_ (2010), payment of the above fee  
5     award shall be mailed to plaintiff's attorney D. James Tree at his address: D. James  
6     Tree, 3711 Englewood Avenue, Yakima, WA 98902.
- 7 (3) After the Court issues this Order, defendant will consider the matter of plaintiff's  
8     assignment of attorney's fees to plaintiff's attorney. Pursuant to Ratliff, the ability to  
9     honor the assignment will depend on whether the attorney's fees are subject to any  
10    offset allowed under the Treasury Offset Program. Defendant agrees to contact the  
11    Department of Treasury after this Order is entered to determine whether the attorney's  
12    fees are subject to any offset. If the attorney's fees are not subject to any offset, those  
13    fees will be paid directly to plaintiff's attorney D. James Tree, by check payable to him  
14    and mailed to his address.
- 15 (4) The Clerk is directed to send copies of this Order to plaintiff's counsel and defendant's  
16    counsel.

17 DATED this 11th day of July, 2013.  
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24 Karen L. Strombom  
25 United States Magistrate Judge  
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